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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BONNIE SWADLING,

Plaintiff,

vs.

STATE OF NEVADA DEPARTMENT OF
CORRECTIONS,

Defendants.

CASE NO. 2:15-cv-01588-APG-PAL

**STIPULATION TO EXTEND
DEADLINES SET FORTH IN THE
SCHEDULING ORDER AND
DISCOVERY PLAN**

**(FIRST REQUEST FOR EXTENSION OF
DEADLINES SET FORTH IN THE
SCHEDULING ORDER)**

Pursuant to Local Rules 6-1(b) and 26-4, Plaintiff, Bonnie Swadling, and Defendant, State of Nevada, ex rel its Department of Corrections, by and through their respective attorneys, hereby stipulate and agree to modify the Stipulated Discovery Plan and Scheduling Order (Doc. No. 27) as set forth below.

Defendant, NDOC, has not yet filed an Answer in this case. On October 28, 2015, NDOC, filed a Motion to Dismiss Plaintiff's Complaint (Doc. No. 11) with prejudice for insufficient service of process under FRCP 12(b)(5) and for failure to state a claim for relief under FRCP 12(b)(6). The Motion to Dismiss has been fully briefed by the parties and is

1 currently pending with the Court. On December 28, 2015, Plaintiff, Bonnie Swadling, filed a
2 Motion for Leave to File an Amended Complaint (Doc. No. 18). The parties are still in the
3 process of briefing the issues raised in the Motion for Leave. The Early Neutral Evaluation has
4 is currently scheduled for April 5, 2016 (Doc. No. 21). The subject of discovery will be
5 dependent upon the Court's decision on these motions and potentially the result of the Early
6 Neutral Evaluation. If NDOC's Motion to Dismiss is granted, discovery will not be necessary at
7 all.

8 A. Discovery Deadlines

9 1. Last Date to Complete Discovery – The original discovery deadline is April 25,
10 2016. The parties stipulate and agree to extend the discovery deadline by 120 days to August 23,
11 2016.

12 2. Last Date to Disclose Experts – The original deadline to disclose experts is
13 February 25, 2016. The parties stipulate and agree to extend the expert disclosure deadline to
14 June 24, 2016 (60 days before the stipulated extended discovery deadline of August 23, 2016).

15 3. Last Date to Disclose Rebuttal Experts – The original deadline for disclosures
16 regarding rebuttal experts is March 28, 2016. The parties stipulate and agree to extend the
17 deadline for rebuttal disclosures to July 24, 2016 (30 days before the stipulated extended
18 discovery deadline of August 23, 2016).

19 B. Dispositive Motion Deadline - The original deadline to file dispositive motions is May
20 25, 2016. The parties stipulate and agree that the last day to file dispositive motions is extended
21 to September 22, 2015 (30 days after the stipulated extended discovery deadline).

22 C. Pretrial Order – The deadline to file a Joint Pretrial Order is currently June 24, 2016. The
23 parties stipulate and agree that the last day to file a Joint Pretrial Order is extended to October
24 22, 2016 (30 days after the stipulated extended dispositive motion deadline). In the event
25 dispositive motions are filed, the last day to file the Joint Pretrial order shall be suspended until
26 thirty (30) days after the decision for dispositive motions has been entered.

27 This stipulation is made for good cause, to avoid unnecessary expense to the parties
28 including discovery costs, to promote judicial economy, and is not for the purpose of delay. The

1 stipulation will also provide the parties with time to discuss potential settlement prior to
2 conducting significant discovery.

3 To date NDOC has served its Initial Disclosures pursuant to FRCP 24. No other
4 discovery has been conducted because there is a dispute as to jurisdiction and improper service
5 of the Complaint. All other form of discovery remains to be completed. NDOC, the sole
6 Defendant in this action, is seeking dismissal on the grounds of insufficient service of process
7 and failure to state a claim. As such, NDOC has not yet filed an Answer in this case.

8 This is the first request for extension of time regarding deadlines set forth in the
9 Scheduling Order and Discovery Plan and the fourth extension sought to date in the entire action.
10 On December 3, 2015, the Court granted Plaintiff's Unopposed Motion for Extension of Time to
11 Respond to Defendant's Motion to Dismiss (Doc. No. 14). On January 25, 2016, the Court
12 granted Plaintiff's Motion for Extension of Time to Respond to Defendant's Opposition to
13 Plaintiff's Motion for Leave to File an Amended Complaint. On January 29, 2016, Plaintiff filed
14 a second Motion for Extension of Time to Respond to Defendant's Opposition to Plaintiff's
15 Motion for Leave to File an Amended Complaint, which is currently pending with the Court.

16 RESPECTFULLY SUBMITTED this 4th day of February, 2016.

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18 BY: /s/ Paul S. Padda
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24 IT IS SO ORDERED:

25 
26 UNITED STATES MAGISTRATE JUDGE

27 DATED: April 11, 2016
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), the undersigned hereby certifies that she is an employee of the State of Nevada Office of the Attorney General and is a person of such age and discretion as to be competent to serve papers. That on this date, the undersigned filed a true and accurate copy of the foregoing **STIPULATION TO EXTEND DEADLINES SET FORTH IN THE SCHEDULING ORDER AND DISCOVERY PLAN** with the United States District Court, using the CM/ECF Electronic Filing, which will e-serve the following parties electronically:

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DATED this 4th day of February, 2016.

/s/ Pamela L. Stanley
An Employee of the State of Nevada, Office
of the Attorney General